

رفقاً بالقوارير

THE FRAGILE VESSELS

RIGHTS & OBLIGATIONS BETWEEN THE SPOUSES IN ISLĀM

Revised Edition

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

«وَحَاسِرُوهُنَّ بِالْعُرُوفِ،
فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا
وَجَعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾»

النساء ١٩

«Live with them (your wives) in kindness; even if you dislike them, perhaps you dislike something in which Allāh has placed much good.»

[An-Nisā' 4:19]

مُحَمَّدٌ مُصْطَفَى الْجِبَالِي

MUHAMMAD MUSTAFĀ AL-JIBĀLĪ

مَنْشُورَاتُ الْكِتَابِ وَالسُّنَّةِ

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PRELUDE

Opening Sermon

إِنَّ الْحَمْدَ لِلَّهِ، نَحْمَدُهُ وَنُسْتَعِينُهُ وَنَسْتَغْفِرُهُ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا
وَمِنْ سَيِّئَاتِ أَعْمَالِنَا. مَنْ يَهْدِهِ اللَّهُ فَلَا مُضِلَّ لَهُ، وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ.

Al-hamdu lillāh. Indeed, all praise is due to Allāh. We praise Him and seek His help and forgiveness. We seek refuge with Allāh from our souls' evils and our wrong doings. He whom Allāh guides, no one can misguide; and he whom He misguides, no one can guide.

وَأَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَحْدَهُ لَا شَرِيكَ لَهُ. وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ.

I bear witness that there is no (true) god except Allāh — alone without a partner, and I bear witness that Muḥammad (ﷺ) is His *abd* (servant) and messenger.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ،

وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ ﴿١٠٢﴾ آل عمران ١٠٢

«O you who believe! Revere Allāh the right reverence, and do not die except as Muslims.»¹

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ، وَخَلَقَ مِنْهَا زَوْجَهَا، وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً، وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ، إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴿١﴾ النساء ١

«O people! Revere your Lord who has created you from a single soul, created from it its mate, and dispersed from both of them many men and women.

1 | *Āl 'Imrān* 3:102.

utter the complete phrase in order to obtain the reward of saying the appropriate *thikr* or *duʿā*.

PREFACE

The Muslim Family

"The Muslim Family" is a series of books that presents detailed discussions relating to the family life, starting with courting and marriage, and extending into raising children according to Islām. To-date, this series consists of the following titles:

1	"The Quest for Love & Mercy" Regulations for Marriage & Wedding in Islām	﴿وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً﴾
2	"Closer than a Garment" Marital Intimacy According to the Pure Sunnah	﴿هُنَّ لِبَاسٌ لَكُمْ، وَأَنْتُمْ لِبَاسٌ لَهُنَّ﴾
3	"The Fragile Vessels" Rights and Obligations between the Spouses in Islām	«رفقاً بالقوارير»
4	Our Precious Sprouts Islāmic Regulations for Newborns	أفلاذُ أكبادنا

The first three parts of this series, including this current book, deal with various aspects of marriage.

Marriage holds a position of perpetual significance because of the central role it plays in the human life. It is not surprising, therefore, that the scholars of Islām have discussed it in extensive writings through the ages.

Under the contemporary influence of non-Islāmic cultures, many misconceptions have been introduced into various areas of Islām — spilling into issues of marriage, divorce, and other family-related matters.

Viewing the needs and concerns of the Muslims who are forced to live in such alien environments, we find that most Islāmic writings on marriage are restricted in scope — having been written for different cultures and backgrounds.

This leaves quite a large gap that needs to be filled for the benefit of the English-speaking Muslims — which is what we attempt to fulfill in this 3-book set that covers various aspects of marriage according to the authentic Sunnah:

The first book discusses the importance and advantages of marriage, selecting a spouse, the courting process, the marriage contract, the wedding celebration, the *walimah*, and forbidden marriages. It provides a practical procedure for performing the marriage contract and includes a model marriage certificate.

The second book discusses the proper etiquettes of marital intimacy, forbidden acts of intimacy, the perils of *zinā*, and birth control. It answers many frequently-asked questions about various acts of intimacy.

The third book discusses the rights and obligations of the two spouses. It includes brief biographies of the Mothers of the Believers, realistic pictures from the life of the Prophet (ﷺ) with his wives, and a complete discussion of the *ḥadīth* of Umm Zar'.

This series deals with marriage and other family issues in a practical approach, taking advantage of the author's years of experience in the field of marriage and counseling. Each book serves as a complete handbook within its scope — providing reliable knowledge based on authentic evidence from Allāh's Book and His Messenger's (ﷺ) Sunnah.

This Book

This is the third book in "the Muslim Family" series. It mostly deals with the rights and obligations of the two spouses. However, as its title may suggest, it attempts to be supportive of the women's side. Among the reasons for this are the following:

1. In the absence of true Islāmic justice, women have often been abused and mistreated by their husbands -- sometimes in the name

of Islām, and through the misuse of authentic texts from the Sunnah. Thus, we make an effort to remove misconceptions from such texts.

2. Many of the books that have been published in English about the Muslim woman's rights and obligations emphasize the importance of her full obedience and submission to her husband — thereby neglecting the equally important obligations of the husband in the family structure. Therefore, we try to present a more balanced view of the rights and obligations of each side.
3. The picture that has been painted for the "model Muslim woman" is too idealistic and, sometimes, frustrating. By citing numerous examples from the lives of the Mothers of the Believers, we hope to present practical and realistic examples to which our female readers can relate.

The first edition of this book was published five years ago (June 2005). While keeping the same content as the original edition, this "revised edition" contains the following main enhancements:

- ❖ It corrects many typing errors, both in the Arabic and English texts.
- ❖ It improves the style and structure of many sentences and paragraphs.
- ❖ It replaces the original "Prelude" and "Arabic Terms" with improved versions.
- ❖ The cover's color-scheme and other art-work have been modified.

Acknowledgement

All praise and thanks are due to our Lord (ﷻ) who facilitated the completion of this work. May He further reward all the Muslims who helped and supported this effort in various ways. In particular, may Allāh (ﷻ) reward my *shaykh* and teacher, Muḥammad Nāṣir ud-Dīn

al-Albānī whose works have benefited us in ways beyond description, my son ‘Abdullāh who designed the original cover, and my daughters who proofread the manuscript and provided valuable suggestions.

We ask Allāh (ﷻ) to make this humble effort helpful and profitable to the Muslims, forgive our shortcomings, purify our work from hypocrisy and conceit, and accept it from us.

Our Lord, forgive us and all of the believers, and bestow Your peace and praise upon our Prophet Muḥammad (ﷺ).

Muhammad Mustafa al-Jibālī

Beirut

Tuesday, 28 Jumāda Ākhirah 1426

2 August 2005

CHAPTER 1

A FAIR PARTNERSHIP

Introduction

AN ESSENTIAL BOND

Marriage is a bond held together by mutual rights and responsibilities for each of the two spouses. It is a partnership between them, and they are both required to play an active role in that partnership.

The man is appointed as the leader of the household, and the woman as the supportive helper whose expertise in many areas cannot be handled by the man. Some of the women who have been corrupted by the Western ideologies want to be leaders of the family. But only chaos would result in such a family where the correct and natural positions are reversed.

Both the husband and wife have certain rights and duties. A happy and successful marriage is assured if both of them fulfill their duties and preserve each others' rights. Violating those rights is a sure way to misery and failure.

SHARED OBLIGATIONS AND SHARED REWARDS

Some responsibilities and obligations equally apply to the man and woman. For instance, the obligation of believing in Allāh (ﷻ) and following His commands is identical for both of them. Similarly, they are both responsible and accountable for their actions. They are both equally required to learn the correct religion, worship Allāh, and call to His way. The moral standards are the same for both of them, as are many of the regulations for dealing with other human beings.

The man and woman get similar rewards for obedience to Allāh (ﷻ), and similar punishment for disobedience or sinning. Allāh (ﷻ) says:

«مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ، فَلَنُحْيِيَنَّهٗ حَيٰوةً طَيِّبَةً، وَلَنَجْزِيَنَّهُمْ أَجْرَهُم بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ ﴿٩٧﴾ النحل ٩٧

«Whoever does righteous deeds, whether male or female, while he is a believer — We will surely grant him a good life, and will surely give them their reward according to the best of what they used to do.»¹

And Allāh (ﷻ) says:

«فَاسْتَجَابَ لَهُمْ رَبُّهُمْ: "أَنِّي لَا أُضِيعُ عَمَلَ عَمِلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ، بَعْضُكُمْ مِّنْ بَعْضٍ." ﴿١٩٥﴾ آل عمران ١٩٥

«Their Lord responded to them (saying), "Verily, I will not let the deeds of any worker among you go to waste — whether male or female; you are of one another."»²

BETWEEN EQUALITY AND FAIRNESS

In comparing between women and men, we should realize that Islām does not equate those who are inherently different. There are matters in which men are given preference over women, and vice versa. These preferences stem from the difference in their ability of performing various tasks. Therefore, rather than equating those who can never be equal, our concern should be directed toward fairness in dealing with both. Allāh (ﷻ) says:

«وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضُكُمْ عَلَىٰ بَعْضٍ، لِلرِّجَالِ نَصِيبٌ مِّمَّا اكْتَسَبُوا، وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا اكْتَسَبْنَ، وَسَأَلُوا اللَّهَ مِنْ فَضْلِهِ، إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ﴿٣٢﴾ النساء ٣٢

1 An-Nahl 16:97.

2 Al-'Imrān 3:195.

«Do not wish for things in which Allāh has preferred some of you over others. Men get a share (or reward) in what they have earned, and women get a share in what they have earned. And ask Allāh of His favors. Indeed, Allāh is ever Knowledgeable about all things.»¹

NATURAL DIFFERENCES

We conclude from the above that the Islāmic regulations regarding human beings are equally applicable to men and women. But this does not mean that men and women are identical in everything.

There are certain regulations that strictly apply to women because of their feminine nature, and others that strictly apply to men because of their masculine nature.

Among the most important gender-based instructions were indicated in one of the Prophet's (ﷺ) last speeches. 'Amr Bin al-Aḥwaṣ al-Jushamī (رضي الله عنه) reported that he heard Allāh's Messenger (ﷺ) in the "Farewell Pilgrimage" (on 'Arafah) praise and glorify Allāh, remind and reproach the people, and then say:

«ألا واستوصوا بالنساء خيراً، فإنهن عوان عندكم، ليس تملكون منهن شيئاً غير ذلك، إلا أن يأتين بفاحشة مبينة. فإن فعلن فأهجروهن في المضاجع، وأضربوهن ضرباً غير مبرح، فإن أطعنكم فلا تبغوا عليهن سبيلاً. ألا إن لكم على نساءكم حقاً، ولنساءكم عليكم حقاً. فأما حقكم على نساءكم، فلا يوطئن فرشكم من تكرهن، ولا يأذنن في بيوتكم لمن تكرهن. ألا وحقهن عليكم أن تحسنوا إليهن في كسوتهن وطعامهن.»

«Lo! Take good care of women, for they surely are captives under your charge, and you do not possess

1 An-Nisā' 4:32.